

APPEAL NO. 021049
FILED JUNE 11, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 3, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that she had disability from September 28, 2001, through the date of the hearing. The appellant (carrier) contends that these determinations are against the great weight and preponderance of the evidence. The claimant urges affirmance.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) indicate that the decision of the hearing officer was received by the carrier's Austin representative on April 8, 2002. As provided in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 156.1(c) (Rule 156.1(c)), "[a]ny notice from the Commission, sent to the designated representative's Austin address, is notice from the Commission to the insurance carrier." Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days of the date of receipt of the hearing officer's decision. Section 410.202(d) was amended effective June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in the Texas Government Code from the computation of time in which to file an appeal. Fifteen days from the carrier's receipt of the hearing officer's decision would have been April 29, 2002. The carrier's appeal was filed and received by the Commission via hand delivery on April 30, 2002, and, therefore, was not timely filed. There is no indication that a copy of the appeal was mailed to the Commission.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer have become final under Section 410.169.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
8144 WALNUT HILL LANE
SUITE 1600
DALLAS, TEXAS 75231-4813.**

Michael B. McShane
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Susan M. Kelley
Appeals Judge